

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**v.**

**No. 4:14-cr-73-DPM**

**RASHADI WEARING<sup>1</sup>**

**DEFENDANT**

**ORDER**

1. For reasons explained on the record at the 19 March 2015 hearing, Wearing's motion to dismiss the indictment, *No. 47*, is denied.

2. For reasons explained, the United States' motion in limine, *No. 55*, is granted with a caveat. On the first day of trial, before the proof begins, Wearing may proffer any unanticipated evidence of imminent danger that he believes might justify a necessity, justification, self-defense, or choice-of-evils defense under governing law.

3. The Court will allow more briefing on Wearing's motion to dismiss on the speedy-trial issue. *No. 45*. Wearing's brief is due by 27 March 2015. Any reply is due 3 April 2015.

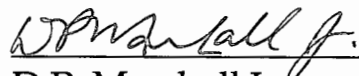
---

<sup>1</sup> The Court directs the Clerk to correct the docket to reflect the defendant's correct name: Rashad Wearing.

**4. Wearing moves unopposed to continue his 30 March 2015 jury trial.**

His lawyer requests a bit more time to prepare for trial and consider any plea offer. *No. 57*. More briefing on the remaining motion to dismiss also compromises the trial date. Considering Wearing's due diligence, the ends of justice are better served by giving him more time to brief the motion and prepare for trial or finalize a deal. This interest outweighs both Wearing's interest and the public's interest in a speedy trial. The Court therefore grants Wearing's motion to continue, *No. 57*, and reschedules the trial for 11 May 2015 at 9:30 a.m. The period of delay occasioned by granting this continuance is excluded under 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A), & (h)(7)(B), provisions of the Speedy Trial Act.

So Ordered.

  
\_\_\_\_\_  
D.P. Marshall Jr.  
United States District Judge

20 March 2015